

United States Court of Appeals  
for the Fifth Circuit

United States Courts  
Southern District of Texas  
FILED

April 06, 2021

Nathan Ochsner, Clerk of Court

No. 20-20526  
Summary Calendar

United States Court of Appeals  
Fifth Circuit

**FILED**

March 15, 2021

Lyle W. Cayce  
Clerk

BABUR NASEEM ASHRAF,

*Plaintiff—Appellant,*

*versus*

UNITED AIRLINES, INCORPORATED,

*Defendant—Appellee.*

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:19-CV-3109

Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges*.

PER CURIAM:\*

Appellant Babur Naseem Ashraf was fired by his employer, United Airlines, after he was caught during a layover with a prohibited items in his personal luggage. Ashraf filed suit challenging the decision of the System Board of Adjustment's rejection of the Union's challenge to his dismissal for

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-20526

cause pursuant to the collective bargaining agreement with United Airlines. The district court dismissed for lack of standing on the basis that only the Union had the right to maintain suit. On appeal, Ashraf asserts that this court should vacate and remand because, although he pled and briefed his federal case as falling within the purview of Railway Labor Act, 45 U.S.C. § 159, he meant to assert a claim under 45 U.S.C. § 153 First (q).

The district court did not err in its conclusion that Ashraf never asserted the apposite statutory provision, and the court was not required to clean up Ashraf's claim for him. This is especially true because Ashraf failed to brief standing in the district court.

Accordingly, the judgment of the district court is **AFFIRMED**.